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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

\*E-FILED - 4/13/06\*

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
JAMES RUSSELL FITZGERALD, JR.,  
Defendant.

No. CR 06-00074 RMW

STIPULATION AND  
ORDER EXCLUDING TIME

SAN JOSE VENUE

On April 3, 2006, the parties in this case appeared before the Court for a status appearance. Assistant Federal Public Defender Lara Vinnard informed the Court that the defendant was recently released from Monterey County and she needed time to review the discovery in the case with him. Therefore, the parties requested that the case be continued to May 15, 2006 at 9:00 a.m. In addition, the parties requested an exclusion of time under the Speedy Trial Act from April 3, 2006 until May 15, 2006 in order for AFPD Vinnard to review discovery. The defendant, through AFPD Vinnard, agreed to the exclusion. The parties agree and stipulate that an exclusion of time is appropriate based on the defendant's need for effective preparation of counsel.

1 SO STIPULATED:

KEVIN V. RYAN  
United States Attorney

2  
3 DATED:

/s/  
SUSAN KNIGHT  
Assistant United States Attorney

4  
5 DATED:

/s/  
LARA S. VINNARD  
Assistant Federal Public Defender

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7  
8 Accordingly, for good cause shown, the Court HEREBY ORDERS that time be excluded  
9 under the Speedy Trial Act from April 4, 2006 until May 15, 2006. The Court finds, based on  
10 the aforementioned reasons, that the ends of justice served by granting the requested continuance  
11 outweigh the best interest of the public and the defendant in a speedy trial. The failure to grant  
12 the requested continuance would deny defense counsel reasonable time necessary for effective  
13 preparation, taking into account the exercise of due diligence, and would result in a miscarriage  
14 of justice. The Court therefore concludes that this exclusion of time should be made under 18  
15 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

16 SO ORDERED.

17  
18 DATED: 4/13/06

/s/ Ronald M. Whyte  
RONALD M. WHYTE  
United States District Judge